

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

HOWELL DEAN O'BRYAN, JR., * CIV 20-4183

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Petitioner,

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vs.

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ORDER

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J. W. COX, in his capacity as
Warden of Yankton Federal Prison Camp,

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Respondent.

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Petitioner brings this *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Also pending before the Court is Respondent's Motion to Dismiss for failure to exhaust administrative remedies, Doc. 11. The Magistrate Judge entered a Report and Recommendation, Doc. 16, recommending Mr. O'Bryan's Petition be dismissed without prejudice to allow him to exhaust his administrative remedies.

Petitioner filed a Motion for Extension to Respond, Doc. 18, and also filed his objections to the Report and Recommendation, Doc. 19. The Court has reviewed this file *de novo*, and

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation, Doc. 16, is ADOPTED.
2. That Petitioner's Motion to Extend, Doc. 18, is moot, and Petitioner has filed his objections.
3. That Petitioner's Objections, Doc. 19, to the Report and Recommendation are overruled.
4. That Respondent's Motion to Dismiss, Doc. 11, is granted.
5. That Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241,

Doc. 1, is dismissed without prejudice to allow Petitioner to exhaust his administrative remedies.

Dated this 16th day of March, 2021.

BY THE COURT:



Lawrence L. Piersol

United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

